

## REMARKS

### *Claim Rejections - 35 USC 103*

Claims 1-6 and 8-11 are rejected under 35 USC 103(a) as being unpatentable over US 3,834,253 (Carr) in view of US 4,979,355 (Ulevich). This rejection is respectfully overcome by amendment of Claims 1 and 8 as discussed below.

The device of Carr is a keeper accessory for a twelve point socket wrench that is inserted into the socket in order to hold a hex fastener captive. The device is molded from "soft resilient elastomeric stock including rubber or a soft plastic composition" (column 2, lines 5-8). The legs 13 of the device bulge toward the center to frictionally engage the flats of the hex fastener (Fig. 2). The device of Carr is intended to prevent the fastener from falling out of the socket; it does not function to transmit torque to the hex fastener, a primary function of the claimed invention.

Claims 1 and 8 have been amended to specify that the relevant structure is formed of metal. In Claim 1, the base and fingers are formed of metal. In Claim 8, the socket attachment itself is formed of metal. Metal has suitable hardness transmit applied torque through to the fastener. By contrast, rubber or soft plastic will deform rather than transmit torque to the fastener.

It would not be obvious to one skilled in the art to modify the device of Carr by using metal because the purpose of the device of Carr is not to transmit torque, but rather to hold the fastener captive. Carr teaches that the hex fastener is inserted in interference press fit with the bulging portions 15 of legs 13. See column 2, lines 38-44. In fact, it would be contrary to the purpose of Carr to use metal, as this would mar the fastener and make insertion much more difficult when the fastener is inserted in interference press fit. Moreover, secondary reference Ulevich describes the use of a soft material, namely a cushioning glass filled polyurethane material. See Ulevich at column 3, lines 39-68.

For the reasons set forth above, Claims 1 and 8, as amended herein, are respectfully considered to be patentable over Carr in view of Ulevich.

Claims 2-6 depend from Claim 1, while Claims 9-11 depend from Claim 8. Accordingly, these claims are patentable over the cited references for the reasons given above for Claims 1 and 8.

Specifically regarding Claims 3 and 9, it is noted that the device of Carr provides one finger (leg 13) for every other corner of a twelve point socket. Claims 3 and 9 require "one finger for each of said corners of said wrenching socket." In the device of Carr, alternate corners of the wrench socket apply torque to corresponding corners of the hex fastener. Consequently, the device of Carr would not function properly in the case of a stripped hex fastener (it would

hold the stripped fastener in place, as the device of Carr is designed to do with all fasteners, but it would not transmit torque to the stripped fastener as the present invention is designed to do).

Regarding Claim 4, none of the references suggest flaring the fingers to increase frictional engagement of the insert with the inner wall of the socket.

In view of the foregoing amendment of Claims 1 and 8 and corresponding remarks, it is respectfully asked that the rejection of Claims 1-6 and 8-11 be withdrawn.

Claims 7 and 12 are rejected under 35 USC 103(a) as being unpatentable over Carr in view of Ulevich as applied to Claims 1-6 and 8-11, and further in view of US 2,956,462 (Paul). This rejection is respectfully overcome by the amendment of parent Claims 1 and 8 as discussed above, and for the following reasons.

Paul teaches a nylon wrench insert 24 having fingers 30 for gripping and retaining a spark plug 36 by engaging the insulator portion 40 of the spark plug. It is true that the engagement side of each finger is in the form of an arcuate concave surface. However, as can be seen in Fig. 1 of Paul, the fingers 30 do not engage the hexagonal nut portion 42 of the spark plug, but rather they engage the circular insulator portion 40. Thus, the insert is not used for transmitting torque and suggests that the engagement sides of an insert's fingers should be shaped in corresponding fashion to the structure engaged thereby. In the present invention of Claims 7 and 12, an arcuate surface is used to engage a flat surface because the arcuate surface has been found to function satisfactorily while providing manufacturing advantages (see the present application at paragraph [0019]).

Therefore, Applicant earnestly seeks removal of the rejection of Claims 7 and 12.

### ***Conclusion***

The present application is thought to be in a condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner has any questions, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,  
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